

REMARKS

Claims 1-7 are pending in the application. In the Office action dated July 26, 2007, claims 1-5 were rejected, and claims 6-7 were objected to. Applicant has amended claim 1, canceled claims 2-7, and added new claims 8-20. In view of the amendments above, and the remarks below, Applicant respectfully requests reconsideration of the application under 37 C.F.R. § 1.111 and allowance of the pending claims.

Objections to the Claims

Claims 6 and 7 are objected to under 37 C.F.R. § 1.75(c) as being in improper form, because a multiple dependent claim cannot depend from another multiple dependent claim.

Applicant appreciates the careful review of the claims. In view of the cancellation of claims 6-7, Applicant respectfully suggests the object is rendered moot. The claims, as amended, contain no multiple dependencies.

Rejections under 35 U.S.C. § 112

Claims 1-5 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

In response, Applicant has amended claim 1 to address the Examiner's concerns. Claims 2-5 have been canceled, and so the rejection of those claims is rendered moot.

In view of the amendments to the claims, Applicant respectfully requests the withdrawal of the rejection of claim 1 under 35 U.S.C. § 112.

Rejections under 35 USC § 102

Claims 1 and 2 are rejected under 35 U.S.C. § 102(b) as being anticipated by Cramer (U.S. Patent no. 2,659,413).

The Cramer reference relates to posture chairs, or "chairs of the type provided with foot rests, together with provision for adjusting the height of the chair seat and the position of the foot rest" (col. 1, lines 2-5). More specifically, the Cramer invention is illustrated in Figs. 1-5, and described as

"... comprising a base 10 having a plurality of casters 12, and provided with an upwardly extending tubular support 14 for slidably receiving a chair pedestal 16. A seat 18 is supported upon the upper end of the pedestal 16..." (col. 2, lines 20-36)

"...an expansible spring 22 is confined within the support 14 between a closure cap 24 and the lower end 26 of the pedestal 16, such spring constantly acting to raise the said pedestal with respect to the base 10 and the support 14. A locking device 28 carried by the support 14 adjacent the upper end thereof, includes a locking plunger 30 which is projectible into one of a plurality of spaced openings 32' in the pedestal 16 for locking the latter and the seat 18 in any desired position of vertical adjustment." (col. 2, lines 42-52).

"The [locking] device includes a housing 50 which is fixed within suitable openings provided in the upper end of support 14 ... The open end of the housing 50 is closed by a threaded aperture member 52 and the plunger 30 is slidably mounted as shown, a spring 54 being confined between the member 52 and an enlarged part 56 of the plunger and constantly acting to project the plunger to the locking position illustrated in Fig. 4. The right end 58 of the plunger projects outwardly from the housing 50 and is pivotally connected to an actuating

lever 57 as by a pivot pin 60." (col. 3, lines 48-58)

The mechanism of the Cramer chair is designed such that when the locking plunger 30 is moved to the unlocked position, the action of the spring 22 automatically raises the pedestal 16 and the seat 18 (col. 4, lines 11-39).

The claimed locking device differs from that of Cramer in being arranged between the module and the stem of a trolley or chair, as recited in claim 1 (as amended) and as described by the detailed disclosure and drawings of the present application. The locking device may be an integrated part of the module or a separate part to which the module is attached. The locking device may be formed as a casing, where the casing is formed around the shape of the stem and slidable up and down the stem.

In contrast to the claimed locking device, Cramer discloses a seat that is supported upon the upper end of the stem, and is therefore not attached to the locking device itself. In addition, the locking device is not formed as a casing.

Furthermore, in the claimed locking device, as the "friction element has a pattern corresponding to the friction pattern on the stem, the spring is capable of pressing the friction element slightly towards the friction pattern on the stem when the handle is in an open position, and the friction element and friction pattern on the stem will always be in correct lockable positions in relation to each other. By operating the locking device, the operator will be guaranteed that the locking device will lock whenever the handle is turned to the locked position, and that the handle is firmly held in position by the action of the spring. Quick adjustment of the height of the module can therefore be made with

a minimum of effort.

In contrast to the claimed locking device, the friction pattern of Cramer is incorporates a plurality of spaced openings that are likely bored or drilled in the pedestal. The friction element of Cramer is represented by a locking plunger, which is projected into one of the openings to lock the pedestal. In order to effect a vertical adjustment of the chair seat, the procedure indicated in col. 4, lines 15-39 of Cramer is followed. When the plunger is in its unlocked position, the expansible spring confined within the support acts to raise the pedestal and the chair seat against the resistance of the operator's hand. The operator may permit further upward movement, or by pressing the chair seat downwardly, may lower the seat. In either case the operator must bring the desired opening into registry with the end of the plunger. Where the end of the plunger does not register with the opening, the operator must then permit upward movement or by pressing downward to create a locking interaction, making the procedure of adjusting the height of the seat chair more cumbersome and more time consuming than that of the presently claimed invention.

In order to anticipate a claim, the cited reference must include each and every element of the claim, as it is set out in the claim. For at least the reasons provided above, Applicant suggests that claim 1, as amended, is not anticipated by the Cramer reference. Claim 2 has been canceled, and so the rejection of that claim is rendered moot.

In view of the above amendments and remarks, Applicant respectfully requests the withdrawal of the rejection of claim 1. Furthermore, as new claims 8-14 depend from claim 1, Applicant suggests they are similarly not anticipated by Cramer.

Claims 3, 4, 5 are rejected under 35 U.S.C. § 102(b) as being anticipated by Kassai (U.S. Patent no. 4,714,292). In view of the cancellation of claims 3, 4, and 5, Applicant respectfully suggests the rejection of those claims is rendered moot. However, to the extent that the subject matter of claims 3-5 is incorporated in new claims 15-20, Applicant suggests that those claims are not anticipated by the Kassai reference.

Kassai relates to a baby carriage having a footrest extending between and attached to a pair of front legs. Specifically, the footrest of the Kassai carriage has a pair of sleeves 10 on its opposite lateral sides to cooperate with the front legs 5. A mechanism for adjusting the level of the footrest 9 is provided in association with said sleeves 10 and said front legs 5. Sleeve 10 of the footrest 9 overlaps the front leg 5. The front leg 5 comprises an upper front leg 5a positioned in the upper region and a lower front leg 5b positioned in the lower region. The upper front leg 5a has an insert member 11 inserted therein from below. The sleeve 10 surrounds the upper front leg 5a. The sleeve 10 is capable of sliding on and along the upper front leg 5a. In response to the sliding movement of the sleeve 10, the entire footrest 9 will slide. The lower end surface of the sleeve 10 abuts against the upper end surface of the lower front leg 5b, whereby the maximum extent of the downward sliding movement of the sleeve 10 is defined. (col. 3, lines 3-53)

In contrast, claims 15-20 are drawn to a children's seat having a footrest that includes two rails connected to a footplate, where the rails are received in guides integrated in the seat, permitting the footrest to be extended from, and returned to, the child's seat. Such a footrest permits not only the length and/or height of the footrest to be adjusted, but also the length and/or height of the children's seat as well.

The Kassai reference fails to disclose a footrest as recited in claim 15. As claims 16-20 depend from claim 15, Applicant suggests that claims 15-20 are not anticipated by the Kassai reference.

Claim Amendments

Applicant has taken this opportunity to add new claims 8-20. New claims 8-12 are derived from features originally recited in claim 1. New claims 13 and 14 are derived from previous claim 2. Independent claim 15 is derived from previous claim 3, and is directed to a footrest of a child's seat. Support for claim 15 is found in the specification at page 4, line 8 to page 5, line 6; and at Figs. 4 and 5. New claims 16-19 depend from claim 15. New claim 20 is derived from previous claim 7.

Applicant believes that this application is now in condition for allowance, in view of the above amendments and remarks. Accordingly, applicants respectfully request that the Examiner issue a Notice of Allowability covering the pending claims. If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned agent of record.

CERTIFICATE OF E-FILING

I hereby certify that this correspondence is being transmitted electronically via the United States Patent and Trademark Office's EFS-Web System on October 26, 2007.

Allison M. Deverman Vietor

Allison M. Deverman Vietor

Respectfully submitted,

KOLISCH HARTWELL, P.C.

Anton E. Skaugset

Anton E. Skaugset

Registration No. 38,617

Customer No. 23581

Attorney/Agent for Applicant(s)/Assignee

520 S.W. Yamhill Street, Suite 200

Portland, Oregon 97204

Telephone: (503) 224-6655

Facsimile: (503) 295-6679